IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 24518 of 2007(R)

PETITIONER:

S. JAYAKUMARI,W/O. SASIDHARAN PILLAI,
AGED 42 YEARS, UPPER PRIMARY SCHOOL ASSISTANT,
P.U.S.P.M. HIGH SCHOOL, PALLIKKAL,
PATHANAMTHITTA.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA
SRI.M.SAJJAD

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION JAGATHY, TRIVANDRUM-14.

3. THE DEPUTY DIRECTOR OF EDUCATION, PATHANAMTHITTA,

4. THE DITRICT EDUCATIONAL OFFICER, PATHANAMTHITTA.

5. THE MANAGER, P.U.S.P.M.HIGH SCHOOL, PALLIKKAL PATHANAMTHITTA.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 24518 OF 2007

Dated this the 13th day of August, 2007

J U D G M E N T

Petitioner who was initially appointed as Upper Primary School Assistant with effect from June 4, 1990, is admittedly continuing in service now after promotion, as HSA (Natural Science). It is on record that petitioner was promoted as HSA in the year 1992. Thereafter in the year 1996-97 there was a reduction of post of High School Assistant due to shortage of students. Since petitioner's appointment had not been approved at that point of time, she was reverted as UPSA with effect from July 15, 1996.

2. It is the contention of the petitioner that the DEO, Pathanamthitta, had approved the appointment of the petitioner to the post of HSA (Natural Science) with effect from July 15, 1992 vide order dated B2/5126/01 dated June 28, 2002.

3. In this writ petition Ext.P8 order passed by the Government has been impugned to the extent it denies salary attached to the post of HSA to the petitioner with effect from July 15, 1996. It is the contention of petitioner that she had been working as HSA from 1992 to 1996 and thereafter as UPSA on reversion from July 1996. It is contended by the petitioner that the Government was not justified in refusing to pay arrears of salary and

allowances to the petitioner in the scale of HSSA.

4. Anyhow I do not propose to deal with the above contentions at this stage in view of the limited prayer made by learned counsel for the petitioner at the Bar. He submits that petitioner has preferred Ext.P9 review petition before the Government seeking modification of Ext.P8 order to the extent of refusing to grant arrears of pay and allowances attached to the post of HAS in terms of Exts, P2 to P5 and P11orders of the Government. The limited payer is to issue a direction to respondent No.1 to take a decision on Ext.P9 without any delay.

In the peculiar facts and circumstances, the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P9 strictly on its merit and in accordance with law, if the same has not been disposed of so far, as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment. Needless to mention, respondent No.1 shall ensure that petitioner is afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No1 for compliance.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007